

# **EXHIBIT A**

**Subject:** State v. John Keenan, HANCD-CR-2022-00217  
**Date:** Tuesday, August 2, 2022 at 14:49:52 Eastern Daylight Time  
**From:** Scott Fenstermaker  
**To:** Carly Reger  
**Attachments:** 09113024461.pdf

Carly,

I'm reaching out to you regarding John Keenan's case, HANCD-CR-2022-00217, for a couple of reasons. First, I'd like to learn your position on a defense motion to (1) withdraw Mr. Keenan's *pro se* motion to dismiss that is before the court, without prejudice to my filing a motion to dismiss, and (2) a motion to continue this matter, pending the resolution of the 1983 action that I plan on filing in Federal Court in Bangor regarding this situation.

Lastly, I've attached a copy of a recent decision from the Federal Court in Bangor involving a similar Trespass Notice that was issued by the RSU22 School Board against a local resident. This decision, as you probably know, received some press here in Maine. While I understand that there are some distinguishing facts in the case I'm providing you, many of the distinguishing facts in Mr. Keenan's case cut in his favor, as it appears that the Trespass Notice in the RSU22 case was obviously issued with more deliberation and reasoned consideration than was the Trespass Notice in Mr. Keenan's case.

While I understand your office's position on this case and your apparent position with respect to these Trespass Notices issued by public bodies, I ask you to consider how this case is going to play out, should (1) Mr. Keenan be convicted, and (2) the Federal Court subsequently rules in Mr. Keenan's favor in the 1983 suit. If these both happen, and happen in the sequence that I suggest, Mr. Keenan is going to have been unlawfully convicted for Trespassing, which is not going to have a real good look to it, particularly in light of the fact that the day on which Mr. Keenan was alleged to have trespassed was apparently election day and the Sullivan Town Hall was Mr. Keenan's polling place.

I have reviewed the discovery that you provided to me, with an eye toward the legality of Sullivan's issuance of the Trespass Notice to Mr. Keenan. The only justification that I found for the issuance of the Trespass Notice was that (1) Mr. Keenan allegedly got in someone's face, and (2) he may have used curse words. If these allegations are upon what Sullivan based the issuance of the Trespass Notice, I believe that the Town is on thin ice on this one. Did Mr. Keenan physically threaten anyone? Did he threaten to damage or destroy property?

I look forward to hearing from you.

With my thanks,

Scott

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